UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/C.12/1993/14
4 January 1994

ENGLISH
Original: ENGLISH/FRENCH

COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLES 16 AND 17 OF THE COVENANT

Concluding observations of the Committee on Economic,
Social and Cultural Rights

NICARAGUA

1. The Committee considered the initial report of Nicaragua on articles 10-12 of the Covenant (E/1986/3/Add.15 and Add.16), together with the written replies to the questionnaire prepared at the pre-sessional meeting, at its 27th and 28th meetings, held on 24 and 25 November 1993, and approved* the following observations.

A. INTRODUCTION

2. The Committee expresses its appreciation to the Government of Nicaragua for the submission of its updated report and welcomes the opportunity of continuing its dialogue with the State party especially after the difficulties and changes which Nicaragua has undergone in recent years.

B. POSITIVE ASPECTS

3. The Committee appreciates the frankness of the Government of Nicaragua and its willingness to discuss the problems impeding its social development. The Committee takes note of the statement of the Government in relation to the effort being made in institutional terms to combat poverty through a specific action plan (1990) and to improve the overall standard of living through the Ministry of Social Welfare, established in 1993.

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* At the 46th meeting (ninth session), held on 8 December 1993.

4. The Committee welcomes the proposed establishment of the Office of Human Rights Ombudsman to inquire into human rights violations and to monitor the implementation of international human rights instruments ratified by Nicaragua.

C. FACTORS AND DIFFICULTIES IMPEDING THE IMPLEMENTATION OF THE COVENANT

5. The Committee is aware that the physical and economic destruction of the country as a result of a lengthy war and great natural disasters, the effects of which have been compounded by the ensuing economic adjustment programme, has limited the realization of the rights recognized in the Covenant.

D. PRINCIPAL SUBJECTS OF CONCERN

6. To the extent that structural adjustment measures and the privatization of State property have had negative consequences for the enjoyment of the economic, social and cultural rights of the Nicaraguan people, and more specifically for the standard of living of the most vulnerable sectors, the Committee expresses its serious concern. It is particularly concerned at the fact that official figures reveal an alarming deterioration in the standard of living and that 70 per cent of Nicaraguans live below the poverty threshold and that 40 per cent suffer from protein deficiency. This reflects the tragedy of a child population which, in the words of the report itself, constitutes "a genuine national emergency".

7. The Committee is also concerned at the lack of consistency and effectiveness of the programmes to regularize land ownership and to deal adequately with the problems of housing. In particular, the lack of respect for ownership of low-income dwellings under laws 85 and 86 and the slow pace of procedures established by the Land Use Management Office (OOT) create legal uncertainty for the occupants of the dwellings in question.

8. The information received by the Committee concerning expulsions by the police of several hundred families (particularly in the Extensión La Primavera and El Boer communities in Managua) without any proposed relocation is very disturbing. Expulsions appear to be quite common and the Committee has not received any replies to specific questions asked about particular examples.

E. SUGGESTIONS AND RECOMMENDATIONS

9. The Committee requests the Government of Nicaragua to provide precise information on the incidents involving the expulsion of persons who invaded land and to inform it, before May 1994, of the measures it has adopted to deal, in accordance with the undertakings of the Covenant, with the problems of the irregular settlements. In this regard, the Committee considers that instances of forced eviction are prima facie incompatible with the requirements of the Covenant and can only be justified in the most exceptional circumstances and in accordance with relevant principles of international law.

10. The Committee requests that it should be provided with written replies to the concerns raised during its dialogue with the State party which, due to time constraints, remained unanswered. In particular, the Committee wishes to received clarification as regards the situation of the removal and threatened eviction of squatters from different settlement communities.

11. The Committee suggests that the State party ensure the effective implementation of laws 85 and 86 of 1990 with a view to guaranteeing security of tenure and property title. The Committee recommends that the State party develop and implement urgently a comprehensive housing policy consistent with the State party's obligations under international instruments.

12. In accordance with the revised general guidelines regarding the form and contents of reports to be submitted by States parties, the Committee requests the State party to provide detailed statistical information on the distribution of income and wealth among groups living in rural and urban areas of the country, disaggregated by linguistic and ethnic characteristics as listed in paragraph 5 of the report (E/1986/3/Add.16). Similar statistical information is also required on the mortality rates, birth rates, life expectancy and the rates of school attendance up to the university level.

13. The Committee reiterates the view expressed in its general comment No. 2 that it is precisely in times of acute economic and social problems that respect for the obligations arising under the Covenant assumes its greatest importance.

14. The Committee wishes to bring to the attention of the State party the need to ensure that structural adjustment programmes are so formulated and implemented as to provide adequate safety nets for the vulnerable sectors of society in order to avoid a deterioration of the enjoyment of the economic, social and cultural rights for which the Covenant provides protection.